

Exhibit D

PATENT

Attorney Docket No: 28110/35659

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Ballinger et al.) For: "Novel Interleukin-1 Hy2 Materials and
Serial No.: 09/316,081) Methods
Filed: May 20, 1999) Group Art Unit: 1647
) Examiner: J. Seharaseyon

**DECLARATION OF BIOLOGICAL CULTURE DEPOSIT
UNDER TERMS OF THE BUDAPEST TREATY**

The undersigned hereby declares that:

1. A clone designated pIL-1Hy2 was deposited on May 21, 1999 with the American Type Culture Collection (ATCC), 10801 University Blvd., Manassas, VA 20110 and was assigned Accession Number PTA-96.

2. The ATCC is an official depository in accordance with the Budapest Treaty and affords permanence of the deposit for at least 30 years or at least 5 years after the most recent storage request, whichever is longer. Applicants hereby affirm that should the microorganism(s) mutate, become non-viable or be inadvertently destroyed, Applicants will replace the microorganism(s) for at least 30 years from the date of the original deposit, or at least 5 years from the date of the most recent request for release of a sample or for the life of any patent issued on the above identified application, whichever period is longer.

3. With respect to availability of each culture(s), Applicants affirm that the deposit has been made under conditions of assurance of (a) ready accessibility thereto by the public if a patent is granted whereby all restrictions to the availability to the public of the culture so deposited will be irrevocably removed upon the granting of the patent, and (b) access to the culture will be available during pendency of the patent application to one determined by the Commissioner to be entitled thereto under 37 C.F.R. §1.14 and 35 U.S.C. §122.

6/11/01
Date

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